

# A TENANT'S GUIDE TO SUMMARY PROCESS (EVICTION)



This material may be made available in an alternate format, or other assistance may be provided upon request by a qualified individual with a disability under the provisions of the Americans With Disabilities Act.

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**State of Connecticut  
Judicial Branch  
Superior Court**

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## INTRODUCTION

This pamphlet is designed to inform you of the basic steps in an eviction (summary process) action. It is not intended as a substitute for the advice of an attorney. The clerk's office is not responsible for any errors or omissions in this pamphlet. If you feel you need more information or assistance, you should either consult an attorney or read the appropriate sections of the Connecticut General Statutes and Connecticut Practice Book.

## **APPEARANCE AND ANSWER**

After you are served with an eviction (summary process summons and complaint), the first step in representing yourself is to file a form known as an Appearance. This must be filed at the court clerk's office no later than two days after the Return Date on your Court Summons. Your Appearance lists your name, address, telephone number and signature. By filing your Appearance, you have taken the first step to contest (challenge) the eviction case brought against you by your landlord. Your landlord is known as the Plaintiff, and you are known as the Defendant.

After completing your Appearance (see Exhibit A on Page 11), you should then file an Answer to your landlord's complaint. The clerk's office will provide you with an Answer form. You must read each numbered paragraph of the landlord's complaint and circle your response on the Answer form ("Agree," "Disagree" or "Do Not Know"). (See Exhibit B on Page 12.) There are also several Special Defenses listed on the Answer form. You must check any that apply to you and fill in the blanks, as appropriate. Additional comments may be written at the bottom of the form. Be sure to sign the form.

In addition to filing the original Answer with the court, you must also immediately mail a copy of it to your landlord or your landlord's attorney, if there is one. If you do not mail a copy, you may automatically lose the case. If you have claimed any Special Defenses, the landlord must file a Reply to them before a hearing is scheduled.

A trial before a judge will be scheduled in your case approximately one week to ten days after all pleadings have been filed. The clerk's office will notify you of the trial date by mailing you a Notice of Court Hearing.

In cases of nonpayment of rent only, if you file Special Defenses claiming that your dwelling unit has serious housing or health code violations, you may request an inspection of your dwelling unit by a Housing Specialist. Information obtained from this inspection will be used only for mediation purposes to enable the Housing Specialist to assist the parties in reaching a fair settlement (see discussion of Housing Specialist under Trials). You should arrange this inspection by calling the court at least five working days before your hearing.

## **TRIALS**

It is very important that you are present on the trial date listed on the Notice of Court Hearing or you may lose your case by default. You must arrive at the court on time. Be sure to bring any witnesses, papers or receipts that you may have. This is very important or you may lose your case for lack of proof. If a witness will not come to court voluntarily, you may apply for a subpoena at the clerk's office. Please do so at least two days before the scheduled hearing date. If a judge grants the application, a subpoena will be issued. The subpoena must be served on your witness at least 18 hours before your hearing date and time. The state marshal will charge you a fee to serve the subpoena.

On the day of your trial, your case will be called by the courtroom clerk. When your case is called, be sure to tell the clerk that you are present. After your case is called, you will meet with a Housing Specialist, who is a specially trained mediator, who will discuss the case with you and your landlord. The Housing Specialist will assist you and your landlord in working out a fair settlement. If you and your landlord agree on a settlement, the agreement will be reviewed by the judge. If it is approved by the judge, it will be entered on the record as a “Stipulated Judgment.” You will be given a copy of this, which you should be sure to keep.

You are under no obligation to settle your case. If you do not work out an agreement, there will be a trial. The judge will hear the case and make a decision based on all of the evidence. The judge will either announce the decision in court or you will be notified by mail.

If you need an interpreter, you must contact the clerk’s office at least two days before any hearing date.

## **JUDGMENTS**

If the judge decides the case in your favor, after trial, you may remain in the premises. If you lose the case either because you did not appear on the trial date (by default) or, after a trial, you will have five days to vacate the premises. The date of judgment, intervening Sundays and legal holidays are not counted in this five-day period.

In cases of nonpayment of rent, you can apply to the court for up to three additional months to stay in the premises if you cannot find another place to live. In order to receive more time, you must do both of the following within five days from the date of judgment, not counting intervening Sundays, or legal holidays.

- A. Deposit with the court, in person, the full amount of the arrearage (back rent and/or use and occupancy) owed to your landlord. This can be paid only by certified check or money order payable to Clerk, Superior Court, or by cash.
- B. At the time you pay the full amount of the arrearage, you must also complete and file a Stay of Execution Application, which is a form that you may obtain from the clerk’s office.

A court hearing will then be scheduled on the Stay of Execution Application. You will be notified of the date and time of hearing either immediately or by mail. At the hearing, the exact amount of additional time you may stay in the premises, up to a maximum of three months, will be decided by the judge.

In cases of termination of lease by lapse of time (“without cause eviction”) or when a previous right or privilege to occupy has terminated, you have the right to apply for more time to stay in the premises if you cannot find another place to live. You must personally come to the court to file a Stay of Execution Application. A court hearing will then be scheduled. You will be notified of the date and time of hearing either immediately or by mail.

At the hearing, the exact amount of additional time, up to a maximum of six months, will be decided by the judge.

If you do not move voluntarily when your Stay of Execution period expires, or if you have violated its conditions, the court may issue an Execution for Possession to your landlord. This applies both to Stays of Execution ordered by the judge and those worked out through an Agreement of the Parties.

If you violate a condition of either type of Stay of Execution by not making a required payment, the landlord or landlord's attorney must file an affidavit and send a copy to you before an execution can be issued.

If you disagree with the landlord's affidavit, you must go to the clerk's office immediately to file an objection. If you do nothing, an execution will issue on the third business day after the filing of the affidavit. Your belongings may then be physically moved onto the street by the state marshal.

## LEGAL AID AND LAWYER REFERRAL

If you feel you need additional assistance, legal advice or representation, you should contact an attorney. You may obtain an attorney by contacting a Lawyer Referral Service office, or, if you qualify, a Legal Aid Office. (See Page 6 for a listing of these services.)

## LEGAL AID OFFICES

AGENCY	TELEPHONE
<p>For initial screening of requests for legal assistance from legal aid programs in Connecticut:</p> <p><b>STATEWIDE LEGAL SERVICES, INC.</b>  <b>(860) 344-0380</b>  <b>(Hartford, Central Connecticut, Middletown Areas)</b>  <b>1-800-453-3320 (All Other Regions)</b></p>	
<p><b>Greater Hartford Legal Assistance</b>  Hartford Office:  Enfield Office:</p>	<p>(860) 541-5000  (860) 745-0606</p>
<p><b>New Haven Legal Assistance, Association, Inc.</b>  New Haven Office:</p>	<p>(203) 946-4811</p>
<p><b>Connecticut Legal Services, Inc.</b>  <i>Regional Offices:</i>  Bridgeport  New Britain  New London  Stamford  Waterbury  Willimantic  <i>Satellite Locations:</i>  Danbury  Meriden/Middletown  Norwalk  Norwich  Rockville  Torrington</p>	<p>(203) 336-3851  (860) 225-8678  (860) 447-0323  (203) 348-9216  (203) 756-8074  (860) 456-1761  1-800-541-8909  (860) 225-8678  (203) 348-9216  (860) 447-0323  1-800-413-7796  1-800-413-7797</p>
<b>AIDS Legal Network</b>	(860) 541-5040

## LAWYER REFERRAL SERVICE OFFICES

LOCATION	TELEPHONE
Fairfield County	1-800-972-9628
Hartford, Litchfield, Middlesex, Tolland and Windham Counties	(860) 525-6052
New Haven County	(203) 562-5750
New London County	(860) 889-9384 M/W/F

## SUPERIOR COURT – HOUSING SESSION LOCATIONS

LOCATION	TELEPHONE
<b>Fairfield Judicial District</b> Superior Court – Housing Session 1061 Main Street Bridgeport, CT 06604	Tel: (203) 579-6936  Fax: (203) 579-6015
<b>Hartford Judicial District</b> Superior Court – Housing Session 80 Washington Street Hartford, CT 06106	Tel: (860) 756-7920  Fax: (860) 756-7925
<b>New Britain Judicial District</b> Superior Court – Housing Session 20 Franklin Square, Room 211 New Britain, CT 06051	Tel: (860) 515-5130  Fax: (860) 515-5138
<b>New Haven Judicial District</b> Superior Court – Housing Session 121 Elm Street New Haven, CT 06510	Tel: (203) 789-7937  Fax: (203) 789-7539
<b>Stamford/Norwalk Judicial District</b> Superior Court – Housing Session 17 Belden Avenue Norwalk, CT 06850	Tel: (203) 846-4332  Fax: (203) 750-0881
<b>Waterbury Judicial District</b> Superior Court – Housing Session 300 Grand Street Waterbury, CT 06702	Tel: (203) 596-4061  Fax: (203) 596-4032

**GEOGRAPHICAL AREA  
COURT LOCATIONS HANDLING  
HOUSING MATTERS**

<b>LOCATION (G.A.)</b>	<b>TELEPHONE</b>
<b>G.A. 3</b> 146 White Street Danbury, CT 06810	Tel: (203) 207-8600 Fax: (203) 207-8642
<b>G.A. 5</b> 106 Elizabeth Street Derby, CT 06418	Tel: (203) 735-9625 Fax: (203) 735-2047
<b>G.A. 10</b> 112 Broad Street New London, CT 06320	Tel: (860) 443-8346 Fax: (860) 437-1168
<b>G.A. 11</b> 120 School Street Danielson, CT 06239	Tel: (860) 779-8480 Fax: (860) 779-8488
<b>G.A. 18</b> 80 Doyle Road P.O. Box 667 Bantam, CT 06750	Tel: (860) 567-3942 Fax: (860) 567-3934
<b>G.A. 21</b> 1 Courthouse Square Norwich, CT 06360	Tel: (860) 889-7338 Fax: (860) 885-0509

**JUDICIAL DISTRICT  
COURT LOCATIONS HANDLING  
HOUSING MATTERS**

<b>LOCATION (J.D.)</b>	<b>TELEPHONE</b>
<b>Judicial District at Meriden</b> 54 West Main Street Meriden, CT 06451	Tel: (203) 238-6667 Fax: (203) 238-6322
<b>Judicial District at Middlesex</b> 1 Court Street Middletown, CT 06457-3374	Tel: (860) 343-6400 Fax: (860) 343-6423
<b>Judicial District at Tolland</b> 69 Brooklyn Street Rockville, CT 06066	Tel: (860) 875-6294 Fax: (860) 875-0777

## EXHIBIT A

## APPEARANCE

JD-CL-12 Rev. 8-01  
Pr. Bk. §§ 3-1 thru 3-6, 3-8

STATE OF CONNECTICUT  
**SUPERIOR COURT**  
www.jud.state.ct.us

## INSTRUCTIONS

- Judicial District Court Locations:** In any action returnable to a Judicial District court location, file only the original with the clerk. In criminal actions see instruction #3.
- Geographical Area Locations:** In any action returnable to a Geographical Area court location, except criminal actions, file original and sufficient copies for each party to the action with the clerk. In criminal actions see instruction #3.
- In Criminal and Motor Vehicle Actions** (Pr. Bk. Secs. 3-4, 3-5): Mail or deliver a copy of the appearance to the prosecuting authority, complete the certification at bottom and file original with the clerk.
- In Summary Process Actions:** In addition to instruction #1 or #2 above, mail a copy to the attorney for the plaintiff, or if there is no such attorney, to the plaintiff and complete the certification below.
- For "In-lieu-of" Appearances** (Pr. Bk. Sec. 3-8): Complete the certification below.
- Pursuant to Pr. Bk. Sec. 17-20, if a party who has been defaulted for failure to appear files an appearance prior to the entry of judgment after default, the default shall automatically be set aside by the clerk.
- In Juvenile Matters:** Do not use this form. Use form JD-JM-13 Appearance, Juvenile Matters.

DOCKET NO.

RETURN DATE  
**4/2/96**

NAME OF CASE (FIRST-NAMED PLAINTIFF VS. FIRST-NAMED DEFENDANT)

**John Smith vs. Jane Johnson**

☐ Judicial District ☒ Housing Session ☐ G.A. No. \_\_\_\_\_ ADDRESS OF COURT (No., street, town and zip code)  
**121 Elm Street, New Haven, CT 06510**

## PLEASE ENTER THE APPEARANCE OF

NAME OF PRO SE PARTY (See "Notice to Pro Se Parties" at bottom), OR NAME OF OFFICIAL, FIRM, PROFESSIONAL CORPORATION, OR INDIVIDUAL ATTORNEY

**Jane Johnson**

MAILING ADDRESS (No., street, P.O. Box)

**123 Main Street**

TELEPHONE NO. (Area code first)  
**(203) 223-1234**

CITY/TOWN STATE ZIP CODE FAX NO. (Area code first) E-MAIL ADDRESS  
**New Haven CT 06510**

In the above-entitled case for: ("X" one of the following)

- ☐ The Plaintiff.  
☐ All Plaintiffs  
☐ The following Plaintiff(s) only: \_\_\_\_\_
- ☒ The Defendant.  
☐ The Defendant for the purpose of the bail hearing only (in criminal and motor vehicle cases only).  
☐ All Defendants.  
☐ The following Defendant(s) only: \_\_\_\_\_  
☐ Other (Specify) \_\_\_\_\_

Note: If other counsel or a pro se party have already appeared for the party or parties indicated above, state whether this appearance is:

- ☐ In lieu of appearance of attorney or firm or pro se party (Name) \_\_\_\_\_ already on file (P.B. Sec. 3-8) OR \_\_\_\_\_ (Name and Juris No.)  
☐ In addition to appearance already on file.

SIGNED (Individual attorney or pro se party) **X** NAME OF PERSON SIGNING AT LEFT (Print or type) **Jane Johnson** DATE SIGNED **4/2/96**

## CERTIFICATION

This certification must be completed in summary process cases (Pr. Bk. Sec. 3-5(a)); for "in lieu of" appearances (Pr. Bk. Sec. 3-8); and in criminal cases (Pr. Bk. Sec. 3-5(d)).

I hereby certify that a copy of the above was mailed/delivered to:

- ☐ All counsel and pro se parties of record as listed below and on additional sheet. (For summary process and criminal actions)  
☐ Counsel or the party whose appearance is to be replaced as listed below and on additional sheet. (For "in lieu of" appearances)

SIGNED (Individual attorney or pro se party) **X** DATE COPY(IES) MAILED OR DELIVERED **4/2/96**

NAME OF EACH PARTY SERVED \* ADDRESS AT WHICH SERVICE WAS MADE

\* If necessary, attach additional sheet with names of each party served and the address at which service was made.

## NOTICE TO PRO SE PARTIES

A pro se party is a person who represents himself or herself. It is your responsibility to inform the Clerk's Office if you have a change of address.

APPEARANCE

## EXHIBIT B

**SUMMARY PROCESS (EVICTION)  
ANSWER TO COMPLAINT**

JD-HM-5 Rev. 12-99  
C.G.S. Sec. 47a-4a, 47a-5, 47a-7, 47a-20, 47a-23c, 47a-33, 47a-57

STATE OF CONNECTICUT  
**SUPERIOR COURT**  
www.jud.state.ct.us

DOCKET NO.

RETURN DATE

NAME OF PLAINTIFF(S) (Landlord(s))

**John Smith**

NAME OF DEFENDANT(S) (Tenant(s))

**Jane Smith**

☐ Judicial District ☐ Housing Session ☐ G.A. No. \_\_\_\_\_ AT: \_\_\_\_\_

ADDRESS OF COURT (No., street, and town)

## SUMMARY PROCESS (EVICTION) ANSWER

(This section does not apply to Special Defenses below)In response to EACH paragraph of the Complaint, please CIRCLE whether you AGREE, DISAGREE or DO NOT KNOW.

- |          |          |             |          |          |             |
|----------|----------|-------------|----------|----------|-------------|
| 1. Agree | Disagree | Do Not Know | 5. Agree | Disagree | Do Not Know |
| 2. Agree | Disagree | Do Not Know | 6. Agree | Disagree | Do Not Know |
| 3. Agree | Disagree | Do Not Know | 7. Agree | Disagree | Do Not Know |
| 4. Agree | Disagree | Do Not Know | 8. Agree | Disagree | Do Not Know |

## SPECIAL DEFENSES

"X" THE BOXES NEXT TO THE STATEMENTS BELOW THAT APPLY TO YOU AND FILL IN THE INFORMATION REQUESTED.

- ☐ 1. All rent has been paid to my landlord.
- ☐ 2. Rent was offered to my landlord on (date): \_\_\_\_\_ which was before the date I received the Notice to Quit.
- ☐ 3. No rent is due, under Connecticut Law (C.G.S. Sec. 47a-4a) because there are housing or health code violations in violation of Connecticut Law (C.G.S. Sec. 47a-7(a)). LIST VIOLATIONS BELOW.
- ☐ 4. I notified ☐ my landlord, ☐ Housing Code, ☐ the Health Department, or ☐ the Building Department of the violations listed in No. 3 above on (date): \_\_\_\_\_
- ☐ 5. This eviction is being brought because I contacted ☐ my landlord or ☐ public officials or agencies with regard to complaints about my apartment (C.G.S. Sec. 47a-20 and 47a-33).
- ☐ 6. I filed a rent increase complaint with the Fair Rent Commission on (date): \_\_\_\_\_
- ☐ 7. I am ☐ blind, ☐ physically disabled, ☐ 62 years of age or older or permanently live with a spouse, sibling, grandparent or parent who is 62 years of age or older AND live in a building or complex of 5 or more units or reside in a mobile manufactured home park (C.G.S. Sec. 47a-23c).

ADDITIONAL INFORMATION:

## DEFENDANT'S (TENANT'S) CERTIFICATION

I hereby certify that this answer is true to the best of my knowledge and that a copy was mailed/delivered to all counsel and pro se parties of record on:

SIGNED (Attorney or pro se party)

**X**

DATE COPY(IES) MAILED OR DELIVERED

**4/2/96**

ADDRESS (No., street, town, and zip code)

NAME OF EACH PARTY SERVED AND ADDRESS AT WHICH SERVICE WAS MADE\*

\* If necessary, attach additional sheet with names of each party served and the address at which service was made.

DISTRIBUTION: ORIGINAL - Court File COPY1 - Plaintiff (Landlord) or Attorney COPY2 - Defendant (Tenant)